

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

Case No. 1:23-cv-00853-DAE

GREG ABBOTT, in his capacity as  
GOVERNOR OF THE STATE OF TEXAS,  
and THE STATE OF TEXAS,

*Defendants.*

**[PROPOSED] ORDER**

Upon consideration of the United States' opposed "Motion in Limine to Preclude Defendants' Presentation of Cumulative Expert Testimony" ("Motion"), any opposition thereto, and for good cause having been shown, the Court hereby **GRANTS** the Motion and **IT IS HEREBY ORDERED** that Defendants are precluded from eliciting cumulative testimony from three of their designated experts—Carlos Rubinstein, Herman Settemeyer, and Dr. Kathy Alexander—regarding the following: the supposed legal requirements of the United States to obtain Texas water rights under the Texas Water Code and Texas regulations; the supposed impossibility of the United States make any improvement in aid of navigation because of the lack of available water rights; and the supposed impossibility of changing water preferences under various state laws and an international treaty.

**IT IS SO ORDERED.**

SIGNED on this the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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Hon. David Alan Ezra  
Senior United States District Judge